

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

JANE ROE,

Plaintiff,

v.

LARRY CRAWFORD, Director of the Missouri
Department of Corrections,
in his official capacity, and
CYNDI PRUDEN, Acting Superintendent,
Women's Eastern Reception, Diagnostic and
Correctional Center, in her official capacity,

Defendants.

CIVIL ACTION No. 05-4333-CV-C-DW

**DECLARATION IN SUPPORT OF
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND/OR
PRELIMINARY INJUNCTION**

DECLARATION OF JAMES G. FELAKOS

1. I am employed as Staff Attorney by the American Civil Liberties Union of Eastern Missouri, 4557 Laclede Avenue, St. Louis, MO 63108. I have worked at the ACLU of Eastern Missouri since May, 2005.
2. Plaintiff brings this action under a pseudonym in order to preserve her privacy and confidentiality, as well as to protect herself from harassment, public embarrassment, and humiliation.
3. On September 29, 2005, Plaintiff, through her mother, contacted the American Civil Liberties Union of Eastern Missouri ("ACLU-EM") for assistance.
4. I arranged to speak by phone with Plaintiff at the first available opportunity. I first spoke with Plaintiff on Wednesday, October 5, 2005.

5. After speaking with Plaintiff, and confirming that Plaintiff wished to terminate her pregnancy, I called the Women's Eastern Reception, Diagnostic and Correctional Center ("WERDCC") Superintendent's office on October 5, 2005. I eventually reached WERDCC Assistant Superintendent Bob Capowski by phone on October 5, 2005. He referred to Plaintiff's files and then informed me that Plaintiff will not be transported to her appointment because of a "directive from the central office" and a DOC policy prohibiting WERDCC inmates from accessing medical services to terminate pregnancy or WERDCC from transporting prisoners for medical services to terminate pregnancy. When I requested from where this directive originated, I was told that it was the Office of the Director.

6. I attempted to reach Missouri Department of Corrections (DOC) Counsel Daniel Gibson by phone beginning late Wednesday afternoon and several times each day thereafter. I have left messages for Mr. Gibson on his voicemail system and with personnel in his office once or more each day on October 5th through October 7th and on October 11th, 2005. I have not received a response thereto.

7. On the morning of October 7, 2005, I delivered via facsimile a demand letter attempting to resolve Plaintiff's situation without litigation. See Exhibit 1 to Declaration of James G. Felakos. I have received no response.

8. On October 12, 2005, through Thomas M. Blumenthal, Mr. Gibson's office was called to verify the correct address and facsimile number and advised an injunctive proceeding would be filed.

I declare under penalty of perjury that the foregoing information is true and correct.

Dated: October 12, 2005

/s/ James G. Felakos
JAMES G. FELAKOS

(Original signature on file with Counsel for Plaintiff)

Respectfully submitted,

/s/ Thomas M. Blumenthal

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COUNSEL FOR PLAINTIFF JANE ROE

CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2005, the Complaint, Motion, Memorandum of Law in Support, and Declarations of Sharon Tobin and James G. Felakos were served via Facsimile and First Class Mail upon the following:

Mr. Larry Crawford
Director, Missouri Department of Corrections
2729 Plaza Drive
Jefferson City, MO 65109
FAX 573-751-4099

Ms. Cyndi Prudden
Acting Superintendent, Women's Eastern
Reception, Diagnostic and Correctional Center
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Mr. Daniel Gibson
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